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FREEDOM IN THE WORLD

0

Kosovo

Kosovo

Freedom in the World 2014

2014

OVERVIEW:

Kosovo celebrated its fifth anniversary of independence in 2013, a year after the International Steering Group officially ended its supervisory mandate in Kosovo. At the end of 2013, 105 countries had recognized Kosovo's statehood.

During the year, Kosovo and Serbia continued to pursue a "dialogue" led by the European Union (EU). Originally launched in March 2011, the dialogue is aimed at improving bilateral relations between the two countries and putting both on the path to EU membership. In February, President Atifete Jahjaga of Kosovo met with her Serbian counterpart, Tomislav Nikolić, in Brussels, marking the first presidential meeting between the countries since Kosovo's 2008 unilateral declaration of independence from Serbia, which Belgrade continues not to recognize.

After many setbacks, the EU-led talks yielded what some called a landmark agreement in April between Prime Minister Hashim Thaçi of Kosovo and Serbia's prime minister, Ivica Dačić. Under the nuanced deal reached in Brussels, Kosovo effectively granted its Serb minority, which comprises about 9 percent of the population, increased autonomy in exchange for Belgrade's recognition of Priština's authority in majority-Serb areas, where Serbia has long funded shadow government structures. The parties also agreed not block each other's EU bids. The dialogue continued throughout 2013, as Kosovo and Serbian leaders worked to implement the April agreement.

In September, a member of the EU's rule of law mission to Kosovo, known as EULEX, was fatally shot in northern Kosovo, representing EULEX's first fatality since deploying in 2008. Also in September, an EU-led court in Kosovo acquitted Fatmir Limaj, a politician and former Kosovo Liberation Army (KLA) commander, of war crimes in the high-profile "Klečka" case. Limaj has now been acquitted of war crimes three times.

In late October, the EU and Kosovo began negotiating a Stabilization and Association Agreement, a key pre-accession instrument, with a goal of signing it in mid-2014. The negotiations marked a milestone in Kosovo's European integration efforts.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Political Rights: 17 / 40 (+1) [Key]

A. Electoral Process: 6 / 12

Members of the unicameral, 120-seat Assembly are elected to four-year terms. The Assembly elects the president, who serves a five-year term. The prime minister is nominated by the president and requires Assembly approval.

Kosovo held early elections in December 2010 following the collapse of Prime Minister Thaçi's government. Significant fraud in parts of Kosovo, including vote buying, necessitated reruns in several municipalities in January

2014 SCORES

STATUS

Partly Free

FREEDOM RATING (1 = BEST, 7 = WORST)

4.5

CIVIL LIBERTIES (1 = BEST, 7 = WORST)

4

POLITICAL RIGHTS (1 = BEST, 7 = WORST)

5

2011. Later that month, the election commission announced that Thaçi's Democratic Party of Kosovo (PDK) had won 34 seats in the Assembly, while the Democratic League of Kosovo (LDK) took 27 seats. The Vetëvendosje (Self-Determination) opposition movement finished strong in third with 14 seats.

In February 2011, parliament elected Thaçi to his second term as prime minister despite a 2010 report by Council of Europe rapporteur, Dick Marty, which linked him and other high-level Kosovo officials to an organized crime network that had been active during and after the 1998–1999 conflict with Serbia. Most controversially, the report alleged that the group harvested organs from prisoners held by the KLA.

In February 2011, parliament also elected businessman Behgjet Pacolli of the New Alliance for Kosovo (AKR) as president, but the Constitutional Court overturned Pacolli's election the following month, saying the vote had not been conducted properly. Jahjaga, then deputy director of the Kosovo police, succeeded Pacolli that April.

B. Political Pluralism and Participation: 9 / 16 (+1)

The ruling coalition—led by the PDK and a handful of smaller parties, including the AKR—has a slim parliamentary majority of 65 seats. There is little substantive difference in policy between the mainstream political parties, many of which are led by former KLA members who try to use this affiliation to attract support. The notable exception is Self-Determination, which has matured from a grassroots youth opposition movement into a legitimate, though still fringe, political party focused on affirming and defending Kosovo's national sovereignty.

In the Assembly, 10 seats are reserved for ethnic Serbs and another 10 for other ethnic minorities. While several political parties represent the Serb minority, the population itself is not fully integrated into the electoral process or Kosovo's institutions. Most Serbs in northern Kosovo boycotted the 2010 parliamentary elections, though 40 percent of the roughly 55,000 Serbs in the southern enclaves below the Ibar reportedly participated.

Belgrade has continued to fund “parallel” public health, education, and other services in majority-Serb enclaves. While these structures have weakened in southern Kosovo in recent years, the EU-led agreement made in April 2013 aimed to diminish them in the north as well. However, northern Kosovo Serb authorities do not recognize Priština's legitimacy, rejected the EU-backed deal reached in April, and created their own legislature. Northern Kosovo also saw a strong boycott movement in the November 3 local elections, and turnout was low. While voting was taking place in November in Mitrovica, a northern Kosovo town divided by the Ibar into ethnic Serb and Albanian sections, masked men entered a polling station in the northern, majority-Serb area of the city and released tear gas canisters and smashed ballot boxes. The attack prompted monitors from the Organization for Security and Cooperation in Europe (OSCE) to leave that site and two others nearby. Polls in the area were rerun later in November, with both domestic and international forces providing security. While voter turnout improved for the Mitrovica rerun compared to the first vote, overall

turnout for the November polls in northern Kosovo was low.

In September 2012, the International Steering Group, a body representing 25 countries, ended its oversight of Kosovo. While considered a political “milestone,” the move was largely symbolic, as North Atlantic Treaty Organization (NATO) peacekeepers, EULEX, and a scaled-back team from the UN Interim Administration Mission in Kosovo (UNMIK) continue to monitor conditions on the ground. The end of the supervisory mandate reflected progress in state-building following Kosovo’s period of supervised independence. South of the Ibar, Priština has made significant advancements in the decentralization process of granting self-rule to Serb enclaves, which has helped to weaken “parallel” structures in those areas. The International Civilian Office, which oversaw legislation and decisions by the government, closed in 2012.

C. Functioning of Government: 3 / 12

Corruption remains a serious problem. A legislative framework to combat corruption is in place, including a new four-year anti-corruption strategy and action plan adopted in February 2013, but implementation is mixed. Graft and misconduct remain widespread in key areas such as law enforcement. In May 2013, the former head of Kosovo’s anticorruption task force was sentenced to five years in prison for extorting money from suspects he had investigated. In June, three government officials were convicted on corruption-related charges in a high-profile case pursued by EULEX, though former deputy prime minister Bujar Bukoshi was acquitted of abuse of office and other charges. The EULEX-backed anti-corruption department of the Kosovo police launched at least six investigations into abuse of office, bribery, fraud, and other crimes in 2013. Kosovo was ranked 111 out of 177 countries and territories surveyed in Transparency International’s 2013 Corruption Perceptions Index.

Civil Liberties: 26 / 60

D. Freedom of Expression and Belief: 8 / 16

The constitution protects freedoms of expression and the press, with exceptions for speech that provokes ethnic hostility. A wide variety of print and television outlets operate, but journalists are subject to political pressure, including from their editors; outside the newsroom, journalists report frequent harassment and intimidation, and attacks are occasionally reported. On 1 December, a television news crew reported being attacked by a security guard at a municipal building in eastern Kosovo while covering a story related to November’s elections. Also on 1 December, unknown assailants torched the car of Fatmir Šeholi, a correspondent for the Serbian news agency Tanjug, in Gračanica, a majority-Serb municipality near the capital. In its October 2013 progress report, the European Commission (EC) urged authorities to step up efforts to investigate and prosecute attacks on journalists. In 2012, after months of outcry from local media, legislators removed provisions in the criminal code criminalizing defamation and potentially forcing journalists to reveal their sources. International officials

in Kosovo have been accused of occasionally restricting media independence. Internet access is unrestricted.

The constitution guarantees religious freedom. The predominantly Muslim ethnic Albanians enjoy this right in practice, as does the Serb minority. Nevertheless, the Muslim community increasingly complains of discrimination. In 2013, Kosovo began implementing a 2012 agreement with Serbia within the EU-led dialogue to create a special multiethnic police force to better protect religious and cultural sites. Attacks on Serbian Orthodox religious sites have declined over the last decade, though several Serbian Orthodox cemeteries were desecrated in February 2013.

Academic freedom is not formally restricted, but appointments at the University of Pristina are politicized. Kosovo's education system is largely segregated along ethnic lines.

E. Associational and Organizational Rights: 6 / 12

The government, EULEX, and NATO peacekeepers generally respect legislative guarantees on freedom of assembly, though demonstrations have occasionally been restricted for security reasons, and the constitution includes safeguards for public order and national security. In May 2013, thousands of people protested in Pristina against the arrest of seven former KLA members on charges of war crimes. In June, police used force, including pepper spray, on protestors demonstrating against the parliament's approval of the April deal with Serbia. Nongovernmental organizations generally function freely. The courts can ban groups that infringe on the constitutional order or encourage ethnic hatred. The constitution protects the right to establish and join trade unions. However, workers face intimidation, and private sector unions are nearly nonexistent.

F. Rule of Law: 5 / 16

In 2013, authorities continued to implement reforms contained in 2010 laws on the Judicial and Prosecutorial Councils. As part of this process, a new court system was introduced in January 2013, whereby seven basic courts and one appellate court replaced the former network of municipal and district courts. The appellate court handles cases in majority-Serb municipalities, including in the north, which has lacked a fully functional judiciary capable of processing civil and criminal cases. Also in January, a new criminal code came into force, overhauling Kosovo's judicial and criminal justice systems. The new code contains provisions on corruption, organized crime, human trafficking, and other key issues. However, case backlogs remain high, and the EC has suggested that the judiciary must establish a track record of implementing the new reforms to improve independence, efficiency, and impartiality.

Ethnic Albanian officials rarely prosecute cases involving Albanian attacks on non-Albanians. In August 2013, Amnesty International (AI) slammed UNMIK, responsible for overseeing post-conflict Kosovo's security and civilian administration, for failing to investigate the abduction and murder of Kosovo Serbs after the 1998–1999 war, which allegedly contributed to a climate of impunity. EULEX has

also been criticized for failing to prioritize war crimes investigations, particularly those allegedly committed by former KLA members. However, 2013 saw some progress on these issues. In November, EULEX indicted 15 former KLA members, including government officials with close ties to the ruling PDK, for allegedly abusing civilian prisoners in 1998 at a KLA detention center. The trial began in December. In an ongoing high-profile case, former KLA commander Limaj and nine other defendants stood accused in 2013 of killing and torturing ethnic Serb prisoners at a KLA detention center in the village of Klecka in 1999. While an EU-led court in September found that prisoners were “unlawfully killed” at the camp, it said the prosecution had failed to prove that Limaj and the other defendants were linked to the crimes. Prison conditions generally meet international standards despite issues such as poor medical care.

Kosovo authorities are cooperating with EULEX’s investigation into the allegations in Dick Marty’s 2010 report. In April 2013, a Kosovo court convicted five men from a clinic mentioned in Marty’s report of participating in a 2008 organ trafficking scheme.

Kosovo’s Roma, Ashkali, Gorani, and other minority populations face discrimination and difficult socioeconomic conditions.

G. Personal Autonomy and Individual Rights: 7 / 16

Freedom of movement for ethnic minorities is a significant problem; returnees to Kosovo still face hostility and bleak economic prospects, and property reclamation by displaced persons remains problematic. In September 2013, President Jahjaga signed into law an amnesty for Kosovo Serbs who had agitated against Pristina’s authority after 2008 in an effort to help integrate the northern Kosovo Serbs.

Kosovo’s unemployment rate is 31 percent, and even higher among young people. The gray economy accounts for a considerable share of overall economic production.

Kosovo is a principal transit point along the heroin-trafficking route between Central Asia and Western Europe. Organized crime is endemic, especially in northern Kosovo.

Patriarchal attitudes often limit women’s ability to gain an education or secure employment. Women are underrepresented in politics despite rules that they must occupy every third spot on each party’s candidate list. Women in rural areas remain effectively disenfranchised through family voting—in which the male head of a household casts ballots for the entire family—though attitudes toward women’s rights continue to liberalize in urban areas. Domestic violence is a serious problem, as is discrimination against sexual minorities. LGBT persons face societal pressure to hide their sexual orientation or gender identity. Kosovo is a source, transit point, and destination for human trafficking.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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